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Attorneys for Defendant, SAN BERNARDINO COUNTY (erroneously sued and served as County of San Bernardino)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

THOMAS WADE ROBINSON,

Plaintiff,

v.

COUNTY OF SAN BERNARDINO, et
al.

Defendants.

Case No. 5:23-cv-00836-DMG-PVC

**DEFENDANT’S ANSWER TO SECOND
AMENDED COMPLAINT & DEMAND
FOR JURY TRIAL**

District Court Judge Dolly M. Gee
Magistrate Judge Pedro V. Castillo

Defendant SAN BERNARDINO COUNTY (erroneously sued and served as County of San Bernardino) (“Defendant”), a political subdivision of the State of California, for itself and no others, hereby demands a jury on all claims and issues triable to a jury and hereby answers the Second Amended Complaint as follows:

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I.

ADMISSIONS AND DENIALS

1. Answering paragraph A, Defendant lacks sufficient information to admit or deny, and therefore denies the allegations.

2. Answering paragraph B, Defendant admits in part, denies in part. Defendant admits a grievance procedure is in place at High Desert Detention Center. Defendant lacks sufficient information to admit or deny all other allegations contained in this paragraph, and therefore denies the allegations.

3. Answering paragraph C, Defendant admits in part, denies in part. Defendant admits Plaintiff is detained at a facility located in Adelanto, California. Defendant denies all other allegations.

4. Answering paragraph D, Defendant denies.

5. Answering Plaintiff's Request for Relief, paragraph E, Defendant denies Plaintiff has incurred any recoverable damages whatsoever. Defendant further denies Plaintiff is entitled to any equitable relief.

II.

AFFIRMATIVE DEFENSES

As and for affirmative defenses, Defendant alleges as follows:

6. The Second Amended Complaint, and each claim for relief, fails to state a claim.

7. The claims asserted herein are patently meritless and frivolous, entitling Defendant to attorneys' fees pursuant to 42 U.S.C. section 1988.

PRAYER

WHEREFORE, Defendant prays as follows:

1. That Plaintiff take nothing by reason of the Second Amended Complaint;
2. That the Second Amended Complaint be dismissed;
3. That judgment be entered in favor of Defendant;
4. That costs of suit incurred, including attorneys' fees, be awarded to

1 Defendant; and,

2 5. For such other and further relief as the Court deems just and proper.
3

4 DATED: May 24, 2024

TOM BUNTON
County Counsel

6 /s/ Adam L. Miederhoff

7 ADAM MIEDERHOFF

8 Supervising Deputy County Counsel
9 Attorneys for Defendant San Bernardino
County
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DEMAND FOR JURY

Defendant hereby demands a jury trial as to all the issues framed by the pleadings pursuant to Federal Rules of Civil Procedure Rule 38(b), and Local Rule 38-1.

DATED: May 24, 2024

TOM BUNTON
County Counsel

/s/ Adam L. Miederhoff

ADAM MIEDERHOFF

Supervising Deputy County Counsel
Attorneys for Defendant San Bernardino
County

PROOF OF SERVICE

I am employed in the County of San Bernardino, State of California. I am a citizen of the United States, employed in the County of San Bernardino, State of California, over the age of 18 years and not a party to nor interested in the within action. My business address is 385 North Arrowhead Avenue, Fourth Floor, San Bernardino, CA 92415-0140.

On May 24, 2024, I served the following documents (*specify*): **DEFENDANT'S ANSWER TO SECOND AMENDED COMPLAINT & DEMAND FOR JURY TRIAL**

I served the documents on the persons below, as follows:

Thomas Wade Robinson Pro Se BK. NO. 1706370496 High Desert Detention Center 4F - 19 9438 Commerce Way Adelanto, CA 92301	<i>Plaintiff Pro Se</i>
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The documents were served by the following means:

☒ **By United States Mail.** I enclosed the documents in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing envelopes for mailing. On the same day that an envelope is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in San Bernardino, California, in a sealed envelope with postage fully prepaid.

I declare under penalty of perjury under the laws of the United States of America, that the above is true and correct.

DATED: **5/24/24**

/s/ Josie L. Anglin

JOSIE L. ANGLIN, Declarant